

# FARMINGTON POLICE DEPARTMENT

## POLICY AND PROCEDURE



**Policy Number:**  
422-07      **Effective Date:**  
11/11/16

**Subject:**  
Prohibition Against Harassment

**Approved by:**

**Steven D. Hebbe, Chief of Police**



### **PURPOSE:**

The purpose of this policy is to create a quality work environment for all employees. A quality work environment is one in which employees can perform their duties free from intimidation, harassment, or unreasonable subjection to physical or verbal abuse, or unwanted, offensive actions or environments of a sexual nature or that which is based upon an employee's sexual identity, sexual orientation, ethnicity, race, national origin, or religion.

### **POLICY:**

It is the policy of the Farmington Police Department to maintain a positive working environment free of harassment of any kind and sensitive to the diversity of our employees. We **prohibit** harassment on the basis of any protected characteristic, specifically including sexual harassment and harassment because of age, race, color, religion or creed, national origin, disability, sexual orientation, sexual identity, transgender status, or any other legally protected status.

### **PROCEDURE:**

Harassment may include verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Prohibited behavior includes but is not limited to the following:

1. Written form such as cartoons, e-mail, posters, drawings or photographs;
2. Verbal conduct such as epithets, derogatory comments, slurs or jokes; and
3. Physical conduct such as assault, the blocking of an individual's movements, or any unwanted touching, patting, fondling, massaging, or similar contact of a sexual nature or that which can be readily construed as being sexual in nature.

This policy applies to all employees and non-employees such as volunteers, customers, clients, vendors, consultants, etc.

## **Sexual Harassment:**

The City of Farmington Administrative Regulation AR-94-1, an Administrative Regulation Pertaining to Sexual Harassment specifically addresses Sexual Harassment:

### **"Section 1. Purpose**

Sexual harassment is an unlawful employment practice under both federal and state laws. It is the policy of the City of Farmington that all employees shall be allowed to work in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment debilitates morale, interferes in the work productivity of its victims and co-workers, and will not be tolerated.

Supervisors shall take necessary and appropriate measures to prevent sexual harassment within their work units and to effectively implement this policy.

### **Section 2. Definition**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of behavior which may constitute sexual harassment are, but not limited to: verbal or nonverbal harassment or abuse of a sexual nature; unnecessary touching, patting, or other forms of fondling; making either explicit or implied job threats or promises in return for submission to sexual favors; making sexually oriented comments on appearance including dress or physical features; telling sexually-oriented stories or jokes; displaying posters, calendars, jokes or other printed materials of a sexual nature in the work place.

### **Section 3. Complaints**

An employee who has a reasonable belief that they are being subjected to behavior which constitutes sexual harassment is encouraged to clearly inform the individual responsible or the behavior that such behavior is unwelcome. However, if an employee is not comfortable with this approach or should the behavior continue after confrontation, the employee must report such conduct immediately. Although it is preferable that the employee report the incident to a supervisor within the employee's department, including the department head, the employee may report the conduct to one of the following individuals of the employee's choice:

- The immediate supervisor;
- A higher level supervisor in the department management structure;

- The Department Head;
- The Equal Opportunity (EEO) Administrator;
- The Personnel Administrator; or
- The City Manager.

The department management representative who first receives the employee's complaint or the department head will notify the Personnel Administrator in a timely manner.

If the complainant desires, the Personnel Administrator may designate a staff member of the same sex to hear the alleged complaint.

#### **Section 4. Investigation**

Upon receipt of a complaint, sufficient information shall be communicated to the Personnel Administrator who shall cause an investigation to occur in a timely and discrete manner, to the extent necessary to develop the facts related to the complaint. Such investigation may involve, but not be limited to, the review of all notes, records, and documentation related to the incident and the interview of all individuals having a direct or indirect involvement in the incident.

All complaints will be taken seriously and thoroughly investigated in a timely manner. Such complaints and investigation will be treated to the extent possible in confidential manner. Information regarding the investigation shall be disseminated only to those with a "need to know." There shall be no retaliation against victims or witnesses participating in the investigation.

Upon completion of the investigation, the findings shall be submitted to the Department Head, who shall be responsible for taking appropriate action. In the event the Department Head is implicated, the findings shall be submitted to the City Manager who shall be responsible for taking appropriate action. The Personnel Administrator will notify the victim of the results in a timely manner.

#### **Section 5. Corrective or Disciplinary Action**

The City will take appropriate corrective or disciplinary action based on the findings of such investigation. An employee whose behavior is determined to constitute sexual harassment is subject to disciplinary action up to and including termination."

#### **Mandatory Reporting:**

Although the City of Farmington Administrative Regulation does not specifically state all types of harassment will be handled in the same manner as sexual harassment, the sections of the regulation that address Complaints, Investigation, and Corrective or Disciplinary Action shall apply for all types of harassment enumerated in this policy.

As such, employees shall report incidents of harassment in accordance with the steps outlined in AR-94-1, Sexual Harassment. As a part of annual evaluations, employees are provided an opportunity to report incidents of harassment (See 422-07 Policy Attachment, [Annual Review of Harassment Policy](#). In addition, all employees, at the time of their separation from the Department, are provided an opportunity to report incidents of harassment.